

JOSEPH J. HECK
3RD DISTRICT, NEVADA

132 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2803
(202) 225-3252

8872 SOUTH EASTERN AVENUE, SUITE 220
LAS VEGAS, NV 89123

COMMITTEE ON
ARMED SERVICES

EDUCATION AND
THE WORKFORCE COMMITTEE

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

Congress of the United States
House of Representatives
Washington, DC 20515-2803

January 8, 2017

Laura Vaught
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington DC 20460

Dear Ms. Vaught,

Dear Ms. Vaught,

The manager of a 108-unit apartment complex in Congressman Joe Heck's district is seeking help from the EPA to report what she believes are violations by the City of Henderson in its application of Safe Drinking Water Act (SDWA) regulations.

(b) (6) is the spokesperson for the Pines Apartment complex (b) (6) states that the SDWA did not intend for businesses to suffer financial hardship in order to comply with the law. In the case of the Pines Apartment buildings, the City of Henderson replaced a leaking water meter with an integral backflow prevention device with one that does not include a backflow prevention device. The City now requires that the Pines Apartment incur the expense of installing backflow device. The Pines Apartment states they cannot afford this expense which could reach upwards of \$50,000 and the City of Henderson states it will discontinue water service to the apartment complex if they do not comply soon.

(b) (6) would like the EPA to review for improprieties the City of Henderson's application of SDWA regulations in this case. Enclosed you will find a privacy consent form and support documentation provided by the constituent.

Sincerely,



Sherry Fehrmann
Casework Manager



CONGRESSMAN

Joe Heck*Proudly Representing the 3rd District of Nevada*First Name: The Pines Apts. Last Name: _____

Social Security Number: _____ Alternate ID number: _____

Address: 122 Jessup RoadCity: Henderson State: NV Zip: 89074Primary Phone: _____ ☐ Home ☐ Work ☐ CellSecondary Phone: _____ ☐ Home ☐ Work ☐ Cell

Email: _____ (b) (6) _____

Would you like to receive our newsletter? (Circle choice)

☒ Yes☐ No

I prefer to be contacted by (Circle your choice):

☐ Post Mail☒ Email☒ PhoneHave you requested assistance from any other Congressional Office? No

Please attach a letter or explain the type of assistance you are seeking from my office. Please include agency claim numbers, if any, and attach copies of any relevant documents and correspondence.

Unreasonable demand by City of Henderson Water that we install back flow
devices due to their installation of substandard meters on 3/11/15. They
threatened several times in letters that if we don't comply they're shutting
 (You may attach additional pages if necessary) our water service off, in essence putting us out of business.

If information needs to be released to a third party (i.e. parent, spouse, guardian, etc), list all their names:

(b) (6)

Pursuant to the Privacy Act of 1974 (5 USC § 552a), I hereby authorize any agency to release any information about me to Congressman Joe Heck or his staff, and to discuss that information with them.

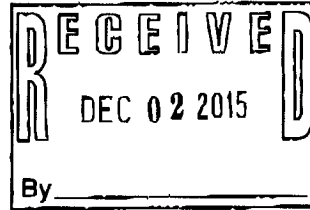
(b) (6)

Signature

Date

Please return this signed form along with a copy of your driver's license or other
 identification by fax to (702) 897-0728 or by US Mail to the following address:

Congressman Joe Heck
 8872 S. Eastern Ave, Suite 220
 Las Vegas, NV 89123



November 29, 2015

Congressman Joe Heck
8872 S. Eastern Ave., Ste. 220
Las Vegas, NV 89123-0007

Dr. Heck,

I hope this letter finds you doing well. My name is (b) (6). I am the Resident Manager at The Pines Apartments located at 122 Jessup Road in Henderson, 89074. The purpose of this correspondence is to seek your assistance on an important matter, which is affecting our complex.

On March 11, 2015 the main water meters at The Pines were replaced by the City of Henderson's Water Department. The fully functional 11 year old water meters were replaced with defective water meters. By May of 2015 The Pines water, and sewer bills were significantly more expensive. As soon as I became aware of this fact, I called the City of Henderson's Water Department. I spoke to a Supervisor there named Maria. She stated that she would have the matter investigated, and get back to me. Two weeks later, I was notified by Maria that the matter was being investigated by the City of Henderson's Engineering Department, and that I needed to contact them. My point of contact there was to be Eugene Bragazzi. When I spoke with Mr. Bragazzi, he explained that the Engineering Department was going to investigate the matter. He went on to explain that the new defective water meters required back flow devices, but his department was not sure if back flow devices could carry water to our residents, and to our 5 fire hydrants effectively. At that point, he promised that he would let me know the outcome of the investigation, which would probably take a month, or two.

In further conversations with Maria concerning The Pines highly inflated water, and sewer bills, she informed me that the City of Henderson would recalculate The Pines monthly water, and sewer bill by using a different system of calculations due to the issue with the new defective water meters. In speaking with Maria again on August 31, 2015, she stated that she would call me by September 9, 2015 to inform me how the City of Henderson intended to issue the credits owed to The Pines from previous inflated bills, which had been paid.

On September 1, 2015, I was notified by Mr. Bragazzi that the Engineering Department's investigation of this matter was complete. Shortly thereafter, Mr. Bragazzi emailed the findings of the investigation to me. The Engineering Department concluded that The Pines was required to install, annually inspect, and maintain back flow devices to make the newly installed defective meters function properly due to a supposed back flow of water found by

(2)

the City of Henderson. The Pines was found by this investigation to be liable for all of the costs related to the aforementioned requirements. I have since received a proposal from our plumbing contractor that totals \$51,188.88. I have not yet received a proposal to have the back flow devices annually inspected, and maintained.

On September 1, 2015, I was also informed by Maria that the credits, which The Pines is owed for the overages on our highly inflated recently paid water, and sewer bills would not be released by the City of Henderson's Water Department until we submitted plans to the City for the back flow device's installation. This, in essence, was holding our monies owed to us by the City of Henderson Water Department hostage, and could have been perceived as extortion.

The City requested a meeting with me, which took place on September 30, 2015. This meeting included the President of our company, Justin Hunt, 4 Henderson city employees who identified themselves as Anthony Ventimiglia, Henderson's Regulatory Programs Manager, Maria, a billing supervisor, Maria's boss, and George from the meter department. I have a consensual recording of this meeting.

It was confirmed by Anthony at this meeting that we indeed were required to pay for back flow devices on both new defective meters. He informed us that we were correct in stating that our 11 year old meters did not allow back flow to occur. These meters had trap doors to prevent back flow, that the newly installed meters do not have, which are now causing back flow to occur. Anthony went on to say that he had 400 bigger fish (other Henderson businesses) to fry in Henderson, which he was looking at to have install back flow devices as well. The cost of those back flow devices for the other small businesses according to Anthony, will be about \$4,000,000.00 total. He offered to have the City install said back flow devices at The Pines along with offering a loan from the City to have the back flow devices installed that would have to be repaid to the City within a 2 year time frame. Come to find out, Mr. Ventimiglia was not authorized to offer such a loan according to the Henderson City Council.

Maria brought the September, 2015 water, and sewer bill to the aforementioned meeting, which showed the \$8,900.00 credit we were owed by the City. Maria explained that we would continue to receive bills reflecting a special set of calculations used by the City in determining our monthly bills, and that if there were a problem in the future with the calculations, that she'd fix them.

The Henderson Water Department is claiming this situation just by invoking NRS code 445A.860. Upon researching this code, I have found that it clearly states that the supplier of water, which is the City of Henderson, is liable for making the necessary equipment changes for the clean drinking water act mandate that is required. The Pines should not be

(3)

held liable for the costs to install back flow devices on the City of Henderson's newly installed defective water meters. We pay for our water, and sewer usage as we should every month as well as a great deal of taxes to the city annually. If the City of Henderson's system of delivering water to their customers require additional equipment to do so, then that is the city's responsibility to supply the needed equipment. Not The Pines.

Mr. Bragazzi, and Mr. Ventimiglia informed me, independent of each other, that the new defective meters installed by the City of Henderson cause a substantial amount of back flow of water when used. Mr. Bragazzi explained that when water is used with the newly installed defective meters, a great deal of back flow goes through the loop to the other meter, and that our water is being measured at such a rate of incoming, and an increased rate of back flowing of water at both of our water meters that it requires a back flow device on both defective water meters to stop the increased back flow of water caused by the new defective meters, which were installed. Mr. Bragazzi also explained that our original, non-defective water meters, which were replaced, had very little back flow, if any. To Quote him "There was not any measured back flow with The Pines original, meters". To summarize, the current back flow of water at The Pines is caused by the newly installed defective meters according to Mr. Bragazzi, and Anthony Ventimiglia.

Something else that is quite disturbing is that we discovered in October, 2015, while reviewing our water, and sewer bills that the City changed out our water meters again on June 24, 2015 unbeknownst to us. This was found due to there being different meter serial numbers on the June, 2015 bill versus the July, 2015 water, and sewer bill. This fact was confirmed by Maria via phone when she stated that the meters were changed out again on June 24, 2015. I find it very suspicious that this fact was not mentioned at all by the City of Henderson employees during our September 30, 2015 meeting.

I am shocked, and at a loss at how the City of Henderson's Water, and Engineering Departments could possibly think it acceptable that The Pines be held liable for the outrageous costs to install, inspect, and maintain back flow devices on the city's defective water meters that the city of Henderson's Water, and Engineering Departments decided to install. What makes this matter more alarming is information, which I have come upon through the City of Henderson employees is that the Water, and Engineering Department knew before installing these defective water meters that they were, in fact, defective, and that they are going to inflict this scam on other businesses in the City Of Henderson.

It is my company's position that if the City of Henderson's newly installed defective water meters need back flow devices to function properly, then the backflow devices should have been installed along with the new defective water meters on March 11, 2015 at the city's expense per NRS code 445A.860., and at which time the involved city departments had full knowledge of said defects. Furthermore, it is our contention that this blatant, and purposeful misinterpretation, and misrepresentation of NRS code 445A.860 is nothing more than an unethical attempt by the City of Henderson's Water, and Engineering, Departments to pass along their cost to us, which is not acceptable.

(4)

I am sure that you are aware, that the cost of running, and maintaining a business is on the rise with little relief in sight. This situation has created a very hostile small business environment for us, and will do so for the other 400 small businesses that Anthony informed us of on September 30, 2015. The Pines Apartments has always enjoyed a good relationship with, and received good service from most of the City of Henderson's Departments over the years. That is one reason why this current situation is so shocking. The Pines has always maintained a well groomed, well maintained property, which complements the City of Henderson. We are currently finalizing plans to repair, re-paint, and beautify our complex. The Pines has always paid our dues, and taxes on time without interruption.

Having been authorized by my Corporate Office to seek legal, and other remedies to this situation I have employed the services of an attorney, and we are currently exploring involving other businesses in the City of Henderson, who will have similar experiences, to take part in a possible class action lawsuit against the city concerning this matter

In closing, I want to point out 2 factors in this situation, which are disturbing. First, during the September 30th meeting, Mr. Ventimiglia stated that if the City of Henderson installed the back flow devices they would charge us \$30,000.00 to \$35,000.00 to do so. As soon as we involved an attorney the price for installation was raised to \$55,00.00. I interpret this one of 2 ways. Either Mr. Ventimiglia is incompetent, or vindictive. In my opinion, there is room for neither in a professional setting, or in the managing of a city government. Secondly, Mr. Ventimiglia's direct superior, Priscilla Howell, in her letter to us dated November 24th, threatened to disconnect water service to The Pines should we not install back flow devices. This, once again, can be interpreted as vindictiveness, and even extortion. Making good on this threat would leave 108 families without water service at The Pine including many elderly residents as well as families with young children.

I am respectfully requesting your assistance in rectifying this matter. As stated, The Pines position is that if the backflow devices have to be installed, then the City of Henderson Water, and/or Engineering Departments absorb the costs of installation since it was their erroneous decision to install the defective water meters in the first place. Furthermore, if that course of action is unacceptable to them, then The Pines requests that the fully functional, non-defective, original water meters be reinstalled.

Any assistance you can render concerning this matter will be greatly appreciated. Should you have any questions, or comments I can be reached at 702-361-5155, Monday through Friday, or by email at sherri@williamwaltersco.com.

(b) (6)





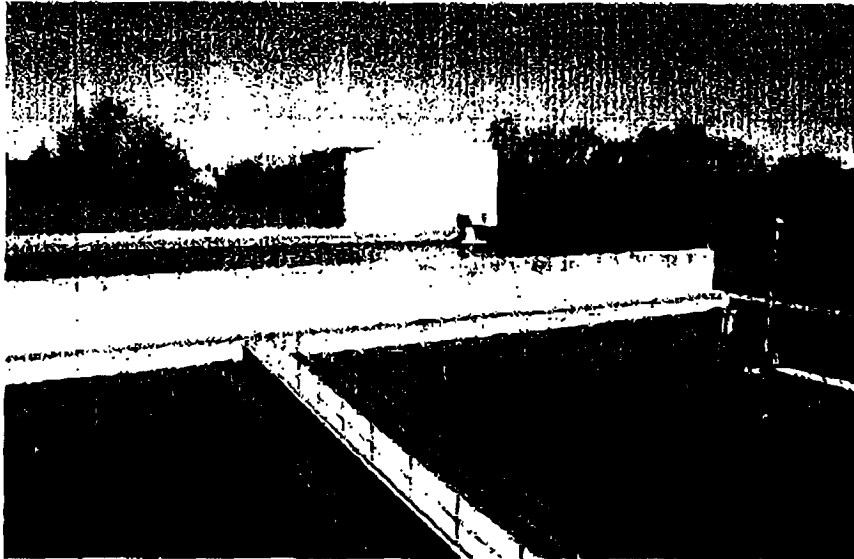
Drinking Water Costs & Federal Funding



SAFE DRINKING WATER ACT • 1974-2004 • PROTECT OUR HEALTH FROM SOURCE TO TAP

How Much Does It Cost to Treat and Deliver My Drinking Water?

We generally pay much less for our drinking water than we do for most other goods and services, such as cable television, telephone service, and electricity. On average, tap water costs are slightly more than \$2 per 1,000 gallons, although the costs tend to be lower for large water systems, and higher for small systems. Treatment accounts for about 15 percent of that cost. Other costs are for equipment (such as the treatment plants and distribution systems), and labor for operation and maintenance of the system. Yet think about how important water is to our daily lives. Each of us, on average, uses over 100 gallons of water per day for everything from drinking and bathing to watering our gardens. This equates to an average annual water bill of about \$300 per household, though costs vary considerably across the country.



Funding for Drinking Water Programs

Federal and state governments share responsibility for administering and funding drinking water programs. Under the Safe Drinking Water Act (SDWA), the U.S. Environmental Protection Agency (US EPA) is given the responsibility for developing national standards and regulations that apply to the nation's public drinking water systems and enforcing those standards. US EPA has a national headquarters and 10 regional offices that work together and with the states to administer drinking water programs.

SDWA also allows states to accept oversight of the drinking water program under an agreement with US EPA giving states primary enforcement (or primacy) responsibilities. All states currently have primacy (Wyoming and the District of Columbia do not have primacy so their drinking water programs are administered directly by US EPA Region VIII in Denver, and Region III in Philadelphia, respectively). US EPA also administers all tribal drinking water programs at this time. In addition to this delegation of federal authority to the states, states also have the power to create additional regulations and programs governing drinking water

suppliers through their own legislative and regulatory processes.

These federal and state programs are separate from the activities performed by water systems. State and federal programs develop regulations and perform oversight and compliance activities, but do not actually treat or deliver water to customers. At the local level, public and private water

utilities collect, treat, and deliver drinking water to consumers. Funding for the construction, maintenance, and operations of these local utilities is usually derived from water bills and/or local taxes.

Funding for the federal drinking water program is determined by the President and Congress. Funding for state programs comes from the federal government, state general revenue funds, state fee programs, and other sources of state funding. Each year, Congress allocates Public Water System Supervision Grants to the 49 states with primacy as well as Indian Tribes. States are required to match their grants by 25 percent. State general

revenues and fees provide the majority of operational funding for state drinking water programs. Historically, states on average have contributed around 65 percent of the costs of running the federal drinking water program while the federal government has contributed 35 percent.

Beginning in 1976 US EPA began providing grants to states in order to assist in implementation of both the Underground Injection Control (UIC) and Public Water System Supervision (PWSS) programs. In 1976 the amounts set-aside for UIC and PWSS were \$2.5 million and \$7.5 million, respectively. In 2004, the amounts have grown to \$10.9 million and \$102 million.

Funding for Drinking Water Infrastructure and Maintenance

The cost of making water safe continues to rise. Much of the existing drinking water infrastructure (underground networks of pipes, treatment plants, and other facilities) was built many years ago. The US EPA Drinking Water Infrastructure Needs Survey, released in 2001, estimated that drinking water systems will need to invest \$150.9 billion over a 20-year period to ensure the continued source development, storage, treatment, and distribution of safe drinking water. Many agree this is a very conservative low estimate.

The federal government has a number of programs that support the construction and maintenance of drinking water systems. The largest program, the Drinking Water State Revolving Loan Fund (DWSRF), was created by the 1996 amendments to SDWA. This program provides federal grants from US EPA to states. They, in turn, loan money to drinking water systems to install, improve, or maintain treatment facilities. Tribes, U.S. territories, and the District of Columbia receive direct grants for drinking water infrastructure improvements from US EPA.

The first grants from the Drinking Water State Revolving Fund, DWSRF, were distributed to states, tribes, and territories from the 1997 appropriation and totaled \$1.275 billion. From 1997 through 2003, cumulative federal grants for the DWSRF program to states total over \$5 billion. In addition to the federal grants awarded, states are required to provide matching funds equal to 20% of the federal grant award received for the DWSRF program.

The majority of funds received by the state DWSRF programs are then loaned, at below market interest rates, to water systems for projects designed to help meet health-based standards for drinking water. Some of the funds from the federal grant awards can be directed into set-aside accounts by the states. Each year, a state may set-aside up to 31% of its federal grant award to fund certain specified components of the state's drinking water program activities. These set-aside funded activities can include administration of the DWSRF program, technical assistance to small drinking water systems, state drinking

water program management, and local assistance or other state drinking water programs. Each state decides what percentage of set-aside to use, and how to use the set-aside funds based on public input and participation. State set-asides have on average represented approximately 16% of federal DWSRF grants, cumulative from 1997 through 2003.

There are also national set-asides, which target funds from the overall DWSRF appropriation to address specific purposes. These national set-asides are used to fund drinking water projects for American Indian Tribes and Alaska Native Villages, to conduct monitoring of unregulated contaminants, and for reimbursement of drinking water operator certification training expenses. In FY 2004, national set-asides of \$12.7 million were taken for American Indian Tribes and Alaska Native Villages, and \$2 million were set-aside for unregulated contaminant monitoring.

Funding for drinking water systems is also available through the U.S. Department of Housing and Urban Development's Community Development Block Grants, bonds, and the Rural Utility Service of the U.S. Department of Agriculture which provides funds for rural drinking water and waste water systems.

For More Information

To learn more about drinking water costs and federal funding, call the Safe Drinking Water Hotline at 1-800-426-4791 or visit the safewater web site at www.epa.gov/safewater.



CONGRESSMAN

Joe HeckProudly Serving the 3rd District of Nevada

8872 S. Eastern Avenue, Suite 220, Las Vegas, Nevada 89123

Phone: (702) 387-4941 | Fax: (702) 837-0728

To:	<i>Congressional Liaison</i>	From:	(b) (6)
Fax:	<i>202 501-1519</i>	Pages:	<i>9</i>
Phone:		Date:	(b) (6)
Re:	<i>Pines Apartments</i>	cc:	(b) (6)

☐ Urgent ☐ For Review

Please Reply

☐ Please Recycle

● Comments:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

FEB 17 2016

The Honorable Joseph J. Heck
U.S. House of Representatives
132 Cannon House Office Building
Washington, D.C. 20515-2803

Dear Congressman Heck:

Thank you for your letter of January 8, 2016 concerning application of the Safe Drinking Water Act (SDWA) and its implementing regulations in regards to The Pines Apartments in the City of Henderson, Nevada. It is our understanding that The Pines Apartments is disputing the costs associated with the replacement of water meters and backflow devices by the City of Henderson Water Department. Your letter seeks EPA review of the City of Henderson's application of SDWA regulations as it relates to this matter.

The SDWA is the federal law that protects public drinking water supplies throughout the nation. Under the SDWA, EPA establishes regulations and standards for drinking water quality and works closely with States and stakeholders, to implement various technical and financial programs to ensure drinking water quality. The States and local county health departments regulate the operation, design and maintenance of public water supplies, ensure that water sources are adequately protected, provide financial assistance to public water suppliers, establish standards and review and approve plans for water system development and modification.

Jurisdiction governing water system modifications, cost, and maintenance remain at the State and local levels and not under the direct purview of the EPA. In this case the State of Nevada is the Agency with the appropriate responsibility over this issue. Please have your constituent contact My-Linh Nguyen, Chief, Bureau of Safe Drinking Water, at the Nevada Division of Environmental Protection in Carson City, Nevada. She can be reached at (775) 687-9515.

If we can be of further assistance, please contact our Congressional Liaison, Brent Maier, at (415) 947-4526 or maier.brent@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tomas Torres", with a long horizontal line extending to the right.

Tomas Torres, Director
Water Division

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

February 24, 2016

Ms. Susan Hedman
Former Administrator, EPA Region 5
c/o Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

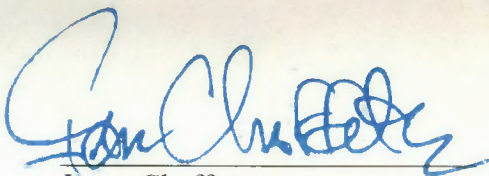
Dear Ms. Hedman:

The Committee on Oversight and Government Reform hereby requests your testimony at a hearing titled, "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part II" on **Tuesday, March 15, 2016, at 10:00 a.m.** in room 2154 of the Rayburn House Office Building.

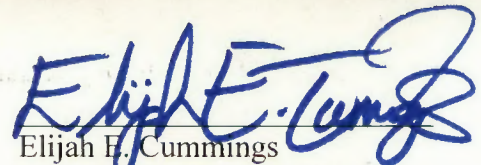
This hearing would explore recent failures with Federal and State officials related to safe drinking water in Flint, Michigan. You should be prepared to provide a five-minute opening statement and answer questions posed by Members.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. If you have questions, please contact Bill McGrath of the Committee staff at (202) 225-5074.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Minority Member

Enclosure

Witness Instruction Sheet
Non-governmental Witnesses

1. Witnesses should provide 70 copies of their written testimony to Sharon Casey, Deputy Chief Clerk, 2157 Rayburn House Office Building, no later than 10:00 a.m. two business days prior to the hearing. Witnesses should also provide their statement by this date in electronic format, either as a CD or via e-mail to Sharon.Casey@mail.house.gov.
2. Please do not send copies by U.S. Mail, UPS, Federal Express, or other shippers. Such packages are processed through an offsite security facility and will arrive 7-10 days late.
3. Witnesses must complete the attached "Truth in Testimony" disclosure and certification. Additional pages may be attached to the form if needed. Witnesses must also include a resume or curriculum vitae. This disclosure and biographical information is required by House Rules. (House Rule XI, clause 2(g)(5))
4. Witnesses "Truth in Testimony" disclosure and biographical information should be included with the electronic copy of the testimony provided to the Clerk.
5. Written testimony and "Truth in Testimony" disclosure and certification form will be made publicly available and will be posted on the Committee's website. It is therefore recommended that personally identifiable information such as addresses and phone numbers not be included in the biographical information.
6. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
7. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances; however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
8. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
9. Committee Rules governing this hearing are online at www.oversight.house.gov.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Government Reform at (202) 225-5074.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – “Truth in Testimony”
Required by House Rule XI, Clause 2(g)(5)

Name:

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

I certify that the above information is true and correct.

Signature:

Date:

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

February 24, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

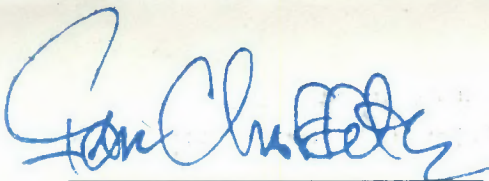
Dear Ms. McCarthy:

The Committee on Oversight and Government Reform hereby requests your testimony at a hearing titled, "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part III" on **Thursday, March 17, 2016, at 9:00 a.m.** in room 2154 of the Rayburn House Office Building.

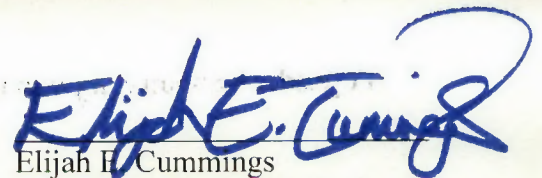
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Jason Chaffetz
Chairman



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Ranking Minority Member

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2. Please do not send copies by U.S. Mail, UPS, Federal Express, or other shippers. Such packages are processed through an offsite security facility and will arrive 7-10 days late.
3. Witnesses should also provide a short biographical summary and include it with their written statement. The biographical summary should be included with the electronic copy of the testimony provided to the Clerk.
4. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
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Administrator McCarthy:

Please see the attached letter to Assistant Secretary of the Air Force for Installations, Environment, and Energy Ballentine regarding reported drinking water issues surrounding Wurtsmith Air Force Base. I am monitoring this issue closely and want to make you aware of my communications with the Air Force.

I encourage you to work closely together with the Air Force to provide safe drinking water to people living near the base who may have had their drinking water exposed to perfluorinated chemicals (PFCs). Please keep me and my office updated on any developments needed to provide safe drinking water to the affected people.

Please reach out to Jordan Dickinson (Jordan.dickinson@mail.house.gov or 202-225-3611) in my office about any updates or questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Kildee', with a long horizontal stroke extending to the right.

Dan Kildee
MEMBER OF CONGRESS

DANIEL T. KILDEE
5TH DISTRICT, MICHIGAN

COMMITTEE ON
FINANCIAL SERVICES

SUBCOMMITTEE ON
HOUSING AND INSURANCE

SUBCOMMITTEE ON
MONETARY POLICY AND TRADE

SENIOR WHIP

DEMOCRATIC POLICY AND
COMMUNICATIONS COMMITTEE



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March 22, 2016

The Honorable Miranda A. A. Ballentine
Assistant Secretary of the Air Force for Installations, Environment, and Energy
1665 Air Force Pentagon
Washington, DC 20330

Assistant Secretary Ballentine:

It has recently come to my attention that the Michigan Departments of Health and Human Services and Environmental Quality, the local health department and U.S. Air Force, will hold a community meeting March 23, 2016, to discuss potentially contaminated groundwater that residents near Wurtsmith Air Force Base (Wurtsmith) use as their drinking water.

I understand that on February 26, 2016, the District Health Department for the Wurtsmith area sent out a health advisory to homeowners saying they should find alternate sources of drinking water. According to a March 10, 2016, Detroit Free Press article, perfluorinated chemicals (PFCs), which are used at Wurtsmith for firefighting, are potentially spreading into the groundwater.¹

The U.S. Environmental Protection Agency has stated that "PFCs have been linked to adverse health effects in laboratory animals that may reflect associations between exposure to these chemicals and some health problems such as low birth weight, delayed puberty onset, elevated cholesterol levels, and reduced immunologic responses to vaccination." Furthermore, according to the National Institute of Environmental Health Sciences, PFCs have a long half-life in the body which can result in the chemical not leaving the body for several years.²

The potential contamination of the groundwater by PFCs, which can be dangerous to human health, is something that should be examined and addressed immediately. Last week, a member of my staff met with local officials to listen to their concerns regarding this potential threat to their drinking water. As the Member of Congress representing these families, I would like to

¹ New Michigan water worry emerges near former air base. Detroit Free Press. March 10, 2016.
<http://www.freep.com/story/news/local/michigan/2016/03/09/new-michigan-water-worry-emerges-near-former-air-base/81539010/>

² https://www.niehs.nih.gov/health/materials/perflourinated_chemicals_508.pdf

gain a better understanding on how the Air Force plans to ensure potentially impacted residents have access to safe drinking water. In anticipation of the March 23 community meeting, I request greater clarification on the following questions:

1. Is there a safe level of exposure to PFCs? If so, what is that level?
2. Are there additional health issues of long-term exposure to PFCs?
3. What type of testing is currently being done on the drinking water sources near Wurtsmith? Do you anticipate the testing area to be expanded in the future?
4. When do you anticipate drinking water testing to be completed?
5. What do you plan to do if high levels of PFCs are found in the drinking water?
6. Do the residents living near Wurtsmith have access to safe drinking water in their homes?
7. Is there a recommended filter that people can install in their homes would remove PFCs from the drinking water?
8. On March 20, 2015, I wrote to you about the removal and replacement of Aqueous Film Forming Foam (AFFF) and environmental concerns around Hangar 7 at Wurtsmith. In your June 5, 2015, response, in regards to the disposal of AFFF you said, "The disposal and cleaning are being coordinated with OWAA [Oscoda Wurtsmith Airport Authority] and are projected to occur this summer." It is my understanding that the AFFF has yet to be disposed of. AFFF is a potential source of PFCs being released into the environment. What is the timeline for the disposal of AFFF at Hangar 7?
9. What is the Air Force currently doing, or plan on doing, to clean up the PFCs in the environment around Wurtsmith?
10. What communications have occurred between the Air Force and agencies of the state of Michigan regarding this issue?

I look forward to hearing from you on this very important topic. Please follow up with Jordan Dickinson (Jordan.Dickinson@mail.house.gov or 202-225-3611) on my staff to discuss this issue.

Thank you,



Dan Kildee
MEMBER OF CONGRESS

Cc:

Governor Snyder

Administrator Gina McCarthy

Dr. Patrick Breyse (National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry)

Deputy Assistant Administrator Joel Beauvais (U.S. Environmental Protection Agency)

Director Nick Lyon (Michigan Department of Health and Human Services)

Director Keith Creagh (Michigan Department of Environmental Quality)

Christina Bush (Michigan Department of Health and Human Services)

JAY INSLEE
Governor



STATE OF WASHINGTON
Office of the Governor

March 18, 2016

The Honorable Gina McCarthy, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

We appreciate your call to strengthen the protection of our nation's drinking water and enhance transparency and accountability with respect to lead and copper testing. I share your concern for the healthy development of our kids, which requires protection from the many sources of toxics in our everyday lives. Our state has aggressively pursued programs that are not simply reactive to problems but also seek to find the sources of environmental contaminants, like lead, so they can be reduced or eliminated.

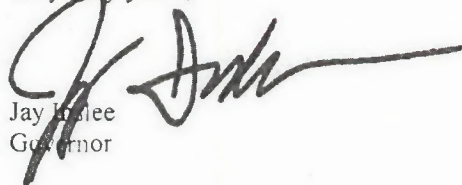
The Department of Health's Office of Drinking Water has had full authority and responsibility for implementation of the Safe Drinking Water Act (SDWA) in Washington State since 1976. As you know, our authority includes oversight of water quality standards, sampling, treatment, public notification requirements, operator certification requirements, system capacity and source water assessment and protection. DOH has worked closely with EPA Region 10 to implement the Lead and Copper Rule (LCR) since the program began in 1991. DOH staff have been very involved with EPA and other organizations in developing revisions to the rule including our recent participation in the Long-Term Revisions Working Group. We will continue to push for improvements to this rule and other ways to reduce lead exposure.

Your letter also references specific requests and recommendations that EPA is making to the states. We have started our review of those requests and already have much of what you ask for in place. With respect to transparency, DOH's website provides information on sampling requirements and procedures, health effects, public education and ways customers can reduce exposure. Our state also provides public access to lead and copper sample results on the internet.

I want to emphasize that I share your concern for protecting the public from exposure to lead and other toxics in our environment. We are looking to expand our blood lead screening program to ensure that we find those kids who are at risk. Finally, I will continue to push for efforts that broadly address toxics proactively at their source and so continue the tried and true public health paradigm that an ounce of prevention is worth a pound of cure.

We look forward to continuing our work with EPA, explaining our program activities and sharing ways to improve the Lead and Copper Rule at the state and federal levels.

Very truly yours,



Jay Inslee
Governor

